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Government of the People's Republic of Bangladesh  
Ministry of Finance  
Economic Relations Division  
Section UN-1  
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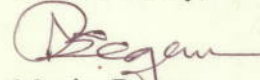
Date: 26 February 2012

Sub: Project document of – “Judicial Strengthening (JUST)” Project.

The undersigned is directed to inform you that the above mentioned project document has been signed among ERD, UNDP and Bangladesh Supreme Court on 19 February 2012.

One copy of the signed project document is sent herewith for your record and necessary action.

Yours sincerely,



Munira Begum  
Senior Assistant Chief  
Phone: 9145476

Distribution: (not in order of seniority)

1. Secretary  
Law and Justice Division  
Bangladesh Secretariat, Dhaka.
2. Registrar  
Bangladesh Supreme Court  
Supreme Court Bhaban, Dhaka.
3. Division Chief  
Socio-Economic Infrastructure Division  
Planning Commission  
Sher-e-Bangla Nagar, Dhaka.
- ✓ 4. Mr. Stefan Preisner  
Country Director, UNDP Bangladesh  
IDB Bhaban, Dhaka.

UNDP REGISTRY, DHAKA			
DATE: 27 FEB 2012			
FILE:			
TO	IN	OUT	INITIAL
SP			
ACTION:			



**Project Title:** JUST (Judicial Strengthening)

**Expected UNDAF Outcome(s):** Justice and human rights institutions are strengthened to better serve and protect rights of all citizens, including women and vulnerable groups.

**UNDAF output:** Members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid.

**Start Date:** 1 January 2012  
**End Date:** 31 December 2014  
**Sponsoring Division/Ministry:** Law and Justice Division of the MoLJPA  
**Implementing Partner:** Supreme Court of Bangladesh

**Brief Description**

Strengthening the formal justice system and the rule of law is a priority for the Government of Bangladesh and the Supreme Court. There is increasing demand for improvements in the administration of timely affordable, timely and equitable justice. One of the key constraints facing the judiciary is the large case backlog of around 1.8 million cases. The backlog is placing considerable pressure on the court system and is hampering access to justice. It is also symptomatic of a number of other issues, including complex procedures and a lack of effective case management. The Supreme Court has requested UNDP to support the Judiciary to strengthen its capacity to administer the court system and reduce the case backlogs. A reduction would provide a sustainable foundation to improve access to justice to the public, especially, vulnerable groups such as the poor, women and children. The project, known as JUST (Judicial Strengthening), will focus on four outputs:

1. Improved case management in the Supreme Court;
2. Improved strategic planning and administrative capacity of the Supreme Court;
3. 3 district courts deliver improved services for court users; and
4. Strengthened training capacity on case-management.

Programme Period:	2012-2014	Total resources required	\$4,000,000
CPAP Programme Component:	Democratic Governance	Total allocated resources:	
Atlas Award ID:	XX	Regular (TRAC):	\$4,000,000
PAC Meeting Date	XX	In- Kind Contributions:	
Management Arrangement:	NIM	GoB Up to US\$150,000 for CD VAT for vehicles	

Agreed by the Supreme Court of Bangladesh: A.K.M. Shamsul Islam  
 Registrar  
 Supreme Court of Bangladesh

Agreed by ERD: Iqbal Mahmood  
 Senior Secretary  
 Economic Relations Division  
 Ministry of Finance  
 Govt. of the People's Republic of Bangladesh

Agreed by UNDP: Stefan Priesner 19/2/2012  
 Country Director  
 UNDP-Bangladesh

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## I. EXECUTIVE SUMMARY

Bangladesh's formal justice system remains relatively inaccessible for the vast majority of the public. Vulnerable groups, including women and children, ethnic minorities, the poor, and people with disabilities face particular difficulty in accessing timely and affordable justice. Large case backlogs, estimated at around 1.8 million cases, are slowly overwhelming the court administration and undermining access to justice. There is increasing acknowledgement that this is critical governance, access to justice and rule of law issue that needs to be addressed. For example, the Government's Millennium Development Goal Progress report 2009 noted: *justice sector reform and efforts to strengthen the rule of law appear to be lagging behind other areas. The Government is determined to reverse this so that a lack of progress in this sector does not undermine gains in other areas.*<sup>1</sup>

Despite significant challenges in improving access to justice through the formal court system, a combination of factors has created an historic opportunity to strengthen the Judiciary. The appointment of a Chief Justice committed to improve the effectiveness and efficiency of the Judiciary is noteworthy. The establishment of the Supreme Court "Special Committee" for reform also demonstrates the willingness to invest time and resources to questions of procedural reform and improvement. Important structural changes have also taken place in recent years, including the formal separation of the Judiciary from the Executive. Increased political will is also present. For example, strengthening the judiciary is a key component of the government's outline prospective plan and five-year plan.

This focus reflects that the Judiciary is a key governance and rule of law institution. It upholds the rule of law by resolving disputes in a fair, equal and equitable manner. This includes acting as a check and balance of other parts of government such as the Executive and the Legislature. Public service provision of "justice" also contributes to economic growth, social cohesion, human development and the overall legitimacy of the state. A solid foundation of rule of law is widely acknowledged as a necessary precondition for poverty reduction and equitable economic development.<sup>2</sup>

In this environment, UNDP and the Supreme Court agreed to implement a one-year Initiation Plan with a view to designing a longer-term development programme. In December 2010, the former Chief Justice wrote to UNDP requesting the design of longer term capacity building project. In early 2011, UNDP developed this Project Document for a capacity building project known as **JUST** (*Judicial Strengthening*). JUST aims to improve access to justice, especially for disadvantaged and vulnerable groups, by supporting the Judiciary to improve case management and reduce case backlogs. JUST will have four outputs:

1. Improved case management in the Supreme Court;
2. 3 selected District Courts deliver improved services for court users;
3. Improved strategic planning and administrative capacity of the Supreme Court; and
4. Strengthened training capacity on case-management.

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<sup>1</sup> The Millennium Development Goals: Bangladesh Progress Report 2009, General Economics Division, Planning Commission, Government of Bangladesh.

<sup>2</sup> Van Puymbroeck, R. V. (ed.) 2003. *The World Bank Legal Review: Law and Justice for Development* Volume 1. Kluwer Law International. World Bank. Washington D.C.

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If successful, practical improvements in the administration of justice will contribute to more efficient and effective processing of cases, greater trust and improved community perceptions of the Judiciary. A reduction in the numbers of cases in the backlog will not resolve all issues within the formal sector, however, it will have a measurable impact on a whole range of related problems within the Judiciary, and provide a more solid foundation on which to base a cycle of long-term and continuous improvements in the administration of fair, equitable and affordable access to justice.

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## II. SITUATION ANALYSIS

### *Challenges to Access to Justice*

Bangladesh's justice system remains relatively inaccessible for the vast majority of the people. Vulnerable groups, including the poor, women and children, ethnic minorities, and people with disabilities face particular exclusion. Throughout the formal justice system, there is a significant lack of capacity - within the judiciary, relevant ministries and statutory bodies. The Asia Foundation's 2007 perception study<sup>3</sup> examining NGO and beneficiary perspectives identified a number of specific constraints to access to justice including prohibitive costs, corruption and undue influence and lack of awareness of legal rights. Long delays in court processes are caused by a variety of factors including:

- Outdated administrative processes: a lack of management capacity both at the district and national level. This includes complex procedures which do not promote timely administration of justice, out-dated filing systems and inadequate noticing procedures for litigating parties;
- External interference in the administration of justice;
- Lack of coordination between justice sector actors: at both the day-to-day operating level and at the strategic planning level. The actions of a number of actors create back-logs as such it is not just a reflection of issues within the judiciary; and
- Lack of trained staff and shortages of judges.

A researcher from the Judicial Training Institute also has identified: frequent adjournments, the summons procedure, delays in production of evidence and appointment of a defence lawyer; leading to slow processing, prison overcrowding as ultimately leading to the backlogs. In addition, frequent abuse of court procedures, slow investigation procedures, lack of caseload and case-flow management systems and out-dated office technology are also contributing factors.<sup>4</sup> These issues are further exacerbated by existing incentive structures which often reward delay rather than resolution of cases.

Accurate and up to date figures of the case backlogs are unfortunately not readily available due to current court management structures and record-keeping. Estimates from the Law Commission put the backlog in District Courts at 1.5 million cases (although some estimates are as high as seven million) with backlogs in the Supreme Court around 300,000. Complex procedures delay the administration of justice, for example in 2004 the disposal rate for a single land related case averaged 9.5 years.<sup>5</sup> Those cases involving violence against women, which make it to court, average two to five years. Delays can

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<sup>3</sup> The Asia Foundation (2007) Promoting Improved Access to Justice. Community Legal Service Delivery in Bangladesh.

<sup>4</sup> Court Management Information System in Bangladesh: IT as a tool of justice— Khaleda Parven) [www.jatibd.org](http://www.jatibd.org)

<sup>5</sup> The Asia Foundation (2007) Promoting Improved Access to Justice. Community Legal Service Delivery in Bangladesh

prompt a variety of responses to injustices, including extra-judicial, or extra-constitutional, means of dispute resolution, which may involve discriminatory or arbitrary practices, or result in outcomes which further increase the vulnerability of the poor.

Despite recent improvements such as the separation of the judiciary from the executive and introduction of judicial magistrates; and appointment of additional judges at the Apex Court and assistant judges/judicial magistrates; case backlog remains an aggravating predicament. It is also symptomatic of the need for judicial reforms. Increasing media attention on these issues and a series of studies which paint a stark picture of the justice sector<sup>6</sup> have caused decision-makers to reconsider whether the problems of the justice sector can be resolved simply by recruiting more judges. In response, to these well-known challenges, strengthening the formal judiciary is an acknowledged priority for the Government of Bangladesh as outlined in its Election manifesto<sup>7</sup> and Prospective Plan.<sup>8</sup>

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### III. STRATEGY

#### Development Objective and Programme Purpose

The *Preamble to the Charter of the United Nations* declares that one of the purposes of the United Nations is to ‘...establish conditions under which justice...can be maintained.’ Judiciaries are entrusted with this responsibility within nation states. Judiciaries do so through independent adjudication, protection of rights, and safeguarding rights and the rule of law.

The overall development objective of all UN projects working in the justice sector is set out in the United Nations Development Assistance Framework. Within the Democratic Governance and Human Rights pillar, UNDAF Outcome 2 reads: *Justice and human rights institutions are strengthened to better serve and protect the rights of all citizens, including women and vulnerable*. Output 2.1 reads that members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid.

#### Rationale

The Judiciary is a key governance and rule of law institution which upholds the rule of law by resolving society’s disputes in a fair, equal and equitable manner. Courts are essential institutions for economic development, good governance and its recognised function within the development context extends to a constitutive role as the guardians of equality and fairness. This includes acting as a check and balance to the Executive and the Legislature. An independent higher judiciary has a crucial role in ensuring rule of law, human rights and administration of justice.<sup>9</sup>

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6 One example is *the Millennium Development Goals: Bangladesh Progress Report 2009*, General Economics Division, Planning Commission, Government of Bangladesh. The report noted: “justice sector reform and efforts to strengthen the rule of law appear to be lagging behind other areas. The Government is determined to reverse this so that a lack of progress in this sector does not undermine gains in other areas”. The BRAC State of Governance report 2009 also was important in this regard. Aside from analytical work the report also captured public perceptions of the independence and performance of the Judiciary.

7 [www.albd.org](http://www.albd.org) - The Government’s election manifesto noted that: independence of the judiciary would be ensured in ‘true sense’, good governance would be ensured through establishment of fundamental human rights, and the rule of law.

<sup>8</sup> The Outline Prospective Plan acknowledges: Independence of the judiciary needs to be supplemented by monitoring and supervision of the judicial process. Improved training of the lower judiciary and further legal education of the lawyers are called for to increase efficiency of the lower judiciary.

<sup>9</sup> Jaan Ginter, 1996, *Guarantees of Judicial Independence*, [www.juridica.ee/international\\_en.php?document=en/international/1996/1/6139.SUM.php](http://www.juridica.ee/international_en.php?document=en/international/1996/1/6139.SUM.php) and Report of the

The role of higher judiciary is also crucial in supporting the fundamental components of good governance in a democratic system, which includes transparency in and accountability of the executive, people's participation in the governance system and its predictability and efficiency. The United Nations General Assembly has repeatedly underscored that an independent judiciary, among other things, is essential to the full and non-discriminatory realization of human rights and indispensable to democratization processes and sustainable development.<sup>10</sup>

Development partners have supported the Government's commitment to strengthen access to justice and the rule of law through a wide range of interventions, such as village courts and community legal services, police and prison reforms. These efforts are supporting improvements within specific institutions and providing access to justice for thousands of vulnerable and disadvantaged people. Given its importance to democratic governance, rule of law, poverty reduction and access to justice the formal Judiciary represents a significant gap in development programming in Bangladesh. The Judiciary is fundamental if serious efforts at more coordinated justice sector planning and operations are to be successful. Therefore, a lack of focus upon the formal judiciary therefore poses a major challenge. The joint assessment of prospects for harmonization within the justice sector in Bangladesh remarked that "*little attention has been given by donor partners to the support required by the Judiciary.*"<sup>11</sup>

### Approach

The project will support case and court management reforms to reduce the case backlogs. At the Supreme Court efforts will focus on: building the systems and structures to identify the causes of the backlogs; and then on the basis of analysis of case data; lessons from the field; technical assistance and procedural reforms to slowly reduce the backlog. JUST will also provide support to three pilot district locations to increase court efficiency and court services to the public. ICT support will be one element of improved administration of justice, however, for this to have any impact, the establishment of case management committees, procedural reform and training of court staff will be critical.

Judicial strengthening interventions of this type can take several years and require significant resources in terms of time and effort. However, if successful, practical improvements in case management will contribute to more efficient and effective processing of cases, greater trust and improved community perceptions of the judiciary. JUST will strengthen the administrative capacity of the formal judiciary, strengthen human resource capacity; and establish effective planning and management systems. As many of the issues related to case-management go beyond the judiciary, UNDP will support efforts to link JUST to other projects and government agencies. UNDP currently has a number of justice sector projects including the *Justice Sector Strategic Dialogue* which supports partnership building and a "sectoral approach."

The project will focus in the areas of improving court management and case-management. Court management includes both case-flow management and court administration. Case-flow management can be defined as the entire set of actions that a court takes to monitor and control the progress of cases, from commencement of a claim through trial or other

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National Commission to review the working of the Constitution, Government of India, 2002, Chapter 7, <http://lawmin.nic.in/ncrwc/ncrwcreport.htm>

<sup>10</sup> See, UNGA resolutions 50/181 of 22 December 1995 and 48/137 of 20 December 1993 at "Human rights in the administration of justice" at [www.un.org/documents/ga/res/50/ares50-181.htm](http://www.un.org/documents/ga/res/50/ares50-181.htm)

<sup>11</sup> The Joint Assessment of Prospects for Harmonization within the Justice Sector in Bangladesh, 2007



initial disposition to the completion of all post-disposition court work, in order to make sure that justice is done promptly. Court administration refers to the process of operation of the business of a court, such as tracking trial dates, keeping records, entering judgments, and issuing process.

Establishment of an administration and management system is a long term process but it does offer a mix of short and medium term solutions. For example, workload among judges can be distributed equitably enabling them to operate more effectively. Processing times can be reduced bringing costs of litigation down and the efficiency of court operations will increase over time. A case management system should also streamline judicial administration by monitoring of the movement of case files in the courts, while showing their status and indicating the length of time at each particular stage of the proceedings. This will provide statistics for analyzing delays, measuring performance of court actors and offering solutions to problems. Effective management of court and cases is also a shared responsibility and requires the interplay and coordination between several key actors including litigants, advocates, registrars, court staff and judges. For case-management reform to be successful, judges need to take an active role in the court room to manage case timelines.

The project will benefit from technical assistance from international technical experts (often judges from other jurisdictions). These experts will provide advice of what has worked and what has not in other countries. This will enable stakeholders to avoid the mistakes made in other countries and present options or recommendations for solving challenges.

#### *Beneficiaries*

The ultimate beneficiaries of the project will be the citizens of Bangladesh, in particular, court users and their families in pilot districts. The judiciary will be the direct beneficiaries who will be able to provide an efficient and effective access to a remedy as well as become a strengthened pillar of the state. The impacts and benefits of a more efficient and accessible judiciary will facilitate good governance, poverty reduction and create confidence in the investment climate of the country.

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#### **IV. INTERNATIONAL EXPERIENCES ADDRESSING BACKLOGS**

International experiences reflect that judicial reform is a process of constant refinement. Commonwealth nations find the root of their legal systems emanating primarily from the English legal system and its evolution that followed. Most of these nations underwent rigorous reform processes to be able to deliver justice effectively. Although initially perceived as an unacceptable intrusion into the adversarial system, judicial case management and administration of proceedings is now universally adopted in the superior and intermediate courts of the UK, South Africa., Australia and New Zealand and other common law countries with a similar legal heritage to Bangladesh.

A number of nations and international organisations have experience in addressing large case backlogs. In each case, improving court and case-flow management played a central role. Some countries like the UK and Canada have adopted modern case management systems and enlisted the services of professional court administrators or non-judicial managers. This enables judges to focus on judgment delivery without focusing on operational matters.

In recent years, relatively successful examples of case management has been tried and tested in Pakistan, Philippines, Malaysia, and Botswana. For example, in Pakistan the Access to Justice Program successfully reduced case disposition for civil cases in certain districts from 15 years to 3 years. From 2005 to 2008, the Supreme Court cut its backlog from about 80,000 cases to 19,000 cases. Reform also included legislative amendments to improve court efficiency by establishing small causes courts (claims up to PRs100,000 or US\$1160) and minor criminal offenses (punishment less than 3 years) to expedite the resolution of these cases and free up court time.<sup>12</sup> The Philippines adopted a similar approach where small claims courts dealing with money claims were set up on a pilot basis to reduce backlogs. This approach resulted in expediting the case disposition rates<sup>13</sup>. The Botswana Judiciary under the leadership of the Chief Justice, and with the support of UNDP and other development partners, made a firm commitment to address court delays and did so through a judicial case management model.<sup>14</sup>

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## V. PROJECT OUTPUTS

### Output 1: Improved case management in the Supreme Court

One of the reasons for weak case management is the lack of information regarding the progress of cases and their outcomes. To be able to identify causes of delay, certain information is required regarding the nature of the litigation, the time of filing, its allocation to which judge, and what stage the litigation is at. To provide better information and evidence based planning, the project will support the establishment of a **case management database**, which will include data entry of all current and pending cases within the Supreme Court and the pilot courts. An ICT needs assessment will support the Supreme Court to link other districts in future, either with government or development partner funding.

International practice on case-management recommends the establishment of subcommittees to provide strategic guidance on court and case management. This is a common approach to addressing delays. JUST will support the Supreme Court to focus on building the systems and structures to identify the causes of the backlogs and then set about building the administrative and managerial capacity to implement improvements. Based on analysis of case data, lessons from the field, and technical assistance, the Committees will drive improvements in court processes.

A **case management policy committee** will explore causes and solutions for addressing case backlogs to streamline procedures that expedite judicial delays. Recommendations may then be made for policies for effective management of cases. The Committee will meet quarterly, or on an as needed basis, and drive strategic policy on case-management by monitoring and analyzing the case-flow database. It will also monitor the results from pilot locations and feedback lessons to the entire district court system. Case management amongst other things will endeavor to efficiently manage cases from inception to disposal.

A **procedural reform committee** may also be established, which will examine the need for procedural reform on processes and administration. The primary aim of the Committee will be to recommend where relevant implementing procedural changes need to occur.

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<sup>12</sup> ADB Completion Report, Access to Justice Program. Project Number: 32023, Dec 2009

<sup>13</sup> [www.abarol.org](http://www.abarol.org), reports from ABA's Philippines program.

<sup>14</sup> [www.gazettebw.com/index.php?option=com\\_content&view=article&id=5998%3Acourt-records-management-system-a-success-chief-justice&catid=18%3Aheadlines&Itemid=2](http://www.gazettebw.com/index.php?option=com_content&view=article&id=5998%3Acourt-records-management-system-a-success-chief-justice&catid=18%3Aheadlines&Itemid=2)



**Technical assistance** such as consolidated research into options to reduce the case backlog will be prepared. For example, options such as the establishment of small claims courts and/or minor criminal courts are among a number of measures which have been successfully implemented in the region. Recommendations to pilot specific initiatives will be supported by the project either from a technical and/or budgetary perspective. The Chief Technical Adviser and other technical experts from the project team will support the Special Committee with examples and lessons learned from other jurisdictions.

## Results

Success of this component, will be measured by decrease in the overall case backlog in the Supreme Court and the pilots district courts (target: 20% reduction) and a reduction in the time taken to determine cases (target 20% decrease). The clearance rate will also be monitored. Also for overall sustainability of the case management model, the objective will be the establishment of 64 case management committees at the district level, by the Supreme Court, by the end of the project. These committees would meet regularly and have access to basic case data. As such a national case management database linking the Supreme Court to District Courts and their subordinate Courts would be required in the longer term.

## **Output 2: Improved strategic planning and administrative capacity of the Supreme Court**

Following the separation of the Judiciary from the Executive, the Supreme Court is now independent and supervises the work of the lower judiciary. This is a profound shift in the function and role of the Court. The current structure and administrative practices is, however, not well suited for the task of administering and managing the entire judiciary. As such, the project will **support structural and organisational reforms to strengthen judicial independence and administration of the court system**. This will include supporting feasibility studies and planning for a Judicial Secretariat.

The project will support, with international expertise, the Supreme Court and the Registrar's Office in the areas of **strategic planning, financial and human resource management**. The project will assist the Judiciary in preparing strategic plans, supporting budget bids and tracking performance against the Judiciary's own targets. In addition, these plans could adopt an equal opportunities policy across all plans of actions by endeavouring to make the courtrooms user friendly. For example, special provisions should be made to cater to women, children and disabled clients and court users generally. Progress in the implementation of these plans can be discussed as part of annual **national judicial conferences**.

Together with the institutionalization of modern organizational structures, the provision of cost effective information technology will assist in the administration process. ICT support will underpin improvements in managerial and administrative capacity. As previous experiences in Bangladesh and internationally show rapid ICT acquisition, however, poses considerable sustainability and management risks for the Court and the project. An **ICT needs assessment** of the judiciary will be undertaken and an **ICT Master Plan** for the Supreme Court established. This project will support ICT acquisition based on the needs assessment to support cost-effective, fit for purpose and sustainable ICT procurement.

## Results:



Success of this component will be measured by the establishment of Strategic Plans and the percentage of key milestones which are implemented. The component will also be successful if the Judiciary is able to convince the government to increase its budget and staffing for administration functions. Increased capacity in this area is important to support continuous improvement and project sustainability, such as the establishment of a judicial secretariat or similar institutional base on which to continue to administer and monitor reforms.

### **Output 3: Three district courts deliver improved services for court users**

The largest backlogs are in the district courts. As such, support will be provided to three district courts to improve court administration and develop pilot case-flow management systems. Procedural and administrative changes will also be required to support smooth court and case management. For example, Court managers/Administrators will be recruited via NEX for one-two years before being employed by the Government.

**Dhaka** has been identified by the Supreme Court as one of the pilot locations given that around 70% of the caseload is here. Dhaka District Court has 104 courts and it will be a challenge to monitor the entire caseload across the Sessions Court, Chief Metropolitan Magistrates Court, Judicial magistrate Court and the Court of the District & Session Judge. Given the size of the backlog in this location, sub-committees maybe assigned responsibility by the Supreme Court to support streamlined case management and coordination at specific courts. JUST will focus its efforts on one of the three components of the Dhaka Courts: 1) District Court; 2) Sessions Court or 3) Chief Magistrates Court. This will be done by building upon previous investments in the Local Area network and ICT hardware purchased during the Initiation Plan. No further large scale infrastructure will take place, instead the project will build upon the significant investments made in 2011 with technical assistance and training.

**Rangamati** will also be one of the pilot locations given the projects aim to improve access to justice for parts of the community which often struggle to access justice, such as ethnic minorities groups. Rangamati also has a relatively new court establishment, which could be a possible base to create a model case flow management system that can streamline judicial administration at the outset and therefore prevent backlogs. As such a model case-management system in a new establishment could help institutionalize a courtroom culture of responsibility, awareness and collaboration without the huge burden of work.

**Kishoregonj** will be other one pilot district which is one of the old district courts having 16 sub-districts with huge case backlogs. Geographically it is remote and communication wise it is difficult for the vulnerable groups of those are and hard to establish or protect the rights. In term of population and area it is one of the biggest districts of Bangladesh. The district courts need support also the improvement of case management system and introduction a better court administration system in order to improve the service for the court users.

**Case Management Committees** will be established. These would be similar in composition to the District Legal Aid Committees, including all key justice sector stakeholders involved in case management such as the Bangladesh Police, Public Prosecutors, local NGOs working on legal aid, Judges, Bar Association, and Prison staff. Aside from efficient case flow the committees and agencies will discuss and implement strategies to reduce the backlogs. For example, work on diversion, bail, legal aid and any other initiatives to ensure efficient and prompt processing of cases (transport of prisoners



for example) could be supported. Lessons and recommendations will also be fed back to the Case Management Policy Committee at the Supreme Court.

**Minor civic works and ICT** will be undertaken at two of the pilot sites (not Dhaka) to improve access to court services and ancillary facilities such as restrooms and waiting areas are provided to all court users particularly women, children and those with disabilities. Data entry of pending cases and establishment of case management database will first be completed in pilot locations.

Efforts to reduce case-backlogs are often criticized for prioritizing quantity over quality.<sup>15</sup> To ensure that the needs of the poor for access to justice are reflected and track the impact of the project a **system of measuring court user opinions** on the delivery of court services throughout the life of the project will be put in place. The information collected will be examined and conclusions drawn. All the results will be provided to the Chief Justice to ensure oversight of how selected District Courts are performing in providing a fair and efficient court system for the people of Bangladesh.

JUST will support **local partnership strategies** facilitating working together with other justice sector stakeholders and projects to facilitate closer collaboration and better access to justice outcomes.

#### Results:

The success of this component, will be measured by decrease, at pilot sites, of the case backlog (target: 20% reduction) and a reduction in the time taken to determine cases (target 20% decrease). As there is currently no-backlog in Rangamati different indicators will be developed. Success in the pilots will also be reflected by replication of the case management model nationwide. The case management database will also specify how many cases were resolved during the period 2012-2014 against the period 2007-2009. Success would also see an improvement in the public's perceptions and client satisfaction in relation to independence, trust and corruption in pilot districts.

#### **Output 4: Training capacity on case management enhanced**

Training activities will focus upon the **fundamentals of curriculum, trainers and handbooks** to build capacity on case management at the Supreme Court, pilot sites and within Judicial Administration Training Institute (JATI). Mainstreaming other specific issues such as gender and human rights into curriculum will also be supported.

Updating skills and expertise through training is essential to familiarize judges, registrars, magistrates, staff and members of the bar with case-flow management. Clerks and judges' secretaries should also be involved in this training beyond their regular secretarial duties as they monitor progress of cases. For example, if a case slows down they need to be able to direct the court's attention to procedural deadlines.

The project will first support the **case management committees to impart training regarding their roles and responsibilities**, then will focus its attention on developing training courses for the committees and court staff at the pilot sites. Based on the feedback from these sessions and approval of the Chief Justice, the project will support institutionalization of piloted curriculum.

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<sup>15</sup> Reforming Pakistan's Criminal Justice System, International Crisis Group, 6 December 2010.



Also at pilot sites a range of trainings will occur on specific subject areas. For example, significant delay in passing judgments is perceived as a major contributor to the backlogs. Training will be developed in consultation with the Judiciary to build capacity to pass judgments efficiently. The training will be piloted and then institutionalized through discussions with the JATI and the Special Committee. The training will include topics such as sentencing, gender, interpretation of statutes and timelines. Training for court staff is also critical to support improved case management.

The capacity of court staff to administer the court's work is vital in ensuring that courts run efficiently. Following the development of improved court administrative procedures, a Court Handbook setting out these procedures and highlighting the gender and equal opportunities guidelines will be developed for the use of all court staff. Training in its use will then be implemented for court staff. The **court handbook** should also be institutionalized in consultation with the Supreme Court. **Training on basic ICT use for court staff and judges** is required at the Supreme Court and at pilot sites. One small ICT training room may be established at the Supreme Court, pending the results of the ICT needs assessment and sustainability requirements being met.

#### Results:

A core number of stakeholders trained so that they can continue to drive improvements in case management from within the system. Also key curriculum will be revised and trainers trained to establish a sustainable base for training new judges and court staff in case management.

Required number of training modules developed and approved by the Judicial Training Institution (JATI) on case management, court administration and ICT. New curricula introduced and necessary amendments to current curricula undertaken. Number of training of trainers (ToT) conducted on case management, court administration and ICT related issues.

## VI. RESULTS AND RESOURCES FRAMEWORK

UNDAF outcome: Justice and human rights institutions are strengthened to better serve and protect the rights of all citizens, including women and vulnerable groups.
UNDAF Output: Members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid
Applicable Key Result Area (from 2008-11 Strategic Plan): Democratic Governance
Partnership Strategy: NEX. Close collaboration between Supreme Court and UNDP. Members of Steering Committee will also facilitate partnerships at the national and local level.
Project title and ID (ATLAS Award ID): Judicial Strengthening (JUST)

INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p><b>Output 1: Improved case-flow management in the Supreme Court</b></p> <p><u>Baseline:</u> 280,000 pending cases in the Supreme Court and around 1.5 million cases in the District Courts. Complex procedures and reactive style of adjudication. Few strategies being used to separate cases into different tracks or actively reduce trial times; No of case-database or case-management steering committee</p> <p><u>Indicators:</u> Number of pending cases in</p>	<p><u>Targets (year 1)</u> Establishment of case management steering committee in Supreme Court</p> <p>Rules and procedure of court and case management reviewed and base line established for time taken to dispose cases</p> <p>Number of pending cases in the Supreme Court reduced by 5%</p> <p><u>Targets (year 2)</u> Case management database established</p>	<p>Establish Supreme Court agreed definition of pending / backlog case</p> <p>Input case data from Supreme Court and pilot locations and establish database;</p> <p>Establish case management steering committee to analyse database, recommend and implement strategy on backlogs;</p> <p>Develop online case file information achieve database and develop case flow management plan in line with case management</p> <p>Technical Assistance for case management;</p> <p>International exposure to other</p>	<p>UNDP Supreme Court Case Management Committee Special Committee</p>	<p>US\$1,324,900</p>

INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p>Supreme Court; Time taken to determine cases; Disposal rate; Progress on the establishment of case management steering committee; Progress on the establishment of a Case database; Progress on the amendment of Rules of procedure (Court rules and/or statute)</p>	<p>Strategies and systems in place for prioritising cases and reducing trial delays</p> <p>Number of cases in Supreme Court reduced by 10% from Yr 1 baseline</p> <p><u>Targets (year 3)</u></p> <ul style="list-style-type: none"> <li>• Number of cases in Supreme Court reduced by 20% overall from Yr 1 baseline</li> <li>• Time taken to determine cases reduced by 10% from Yr 3 baseline</li> </ul> <p>(Total 20 % reduction over 3 years).</p> <ul style="list-style-type: none"> <li>• Time taken to determine cases reduced by 20% from year 3 baseline. (Total time reduction 20% over 3 years)</li> </ul>	<p>developing countries currently undertaking case-management reforms; and</p> <p>Research on strategies to reduce the case-backlog.</p> <p>Specific procedural reforms such as introduction to templates for judgments and orders during trial; amendments to rules of court such as use of skeleton arguments and pre-trial hearings/conference, case fast-tracking systems</p>		
<p><b>Output 2: Improved strategic planning and administrative</b></p>	<p><u>Targets (year 1)</u> Strategic Plan for the</p>	<p>Strategic plan approved by the Supreme Court. Implementation supported on prioritised basis;</p>	<p>UNDP Supreme Court</p>	<p><b>US\$ 724,275</b></p>

INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p><b>capacity of the Supreme Court</b></p> <p><u>Baseline:</u> Absence of a strategic plan, ICT Master Plan, or dedicated court administration body; 0.33% of the Bangladesh national budget allocated for the Judiciary</p> <p><u>Indicators:</u> Progress on establishment of Strategic Plan ; Progress on completion of ICT Needs Assessment and Master Plan ; % Increase in government funding for the Judiciary; % of Strategic Plan milestones achieved; Progress towards establishment of judicial secretariat.</p>	<p>judiciary supported and approved by the Chief Justice;</p> <p>ICT Needs Assessment and master plan completed;</p> <p>Research / need assessment for establishment of Judicial Secretariat + policy dialogue</p> <p><u>Targets (year 2)</u> Annual conferences to monitor implementation of strategic plan (and in future years); Organisational options paper developed;</p> <p>ICT Master plan roll-out</p> <p>Necessary recommendations / steps agreed and approved for establishment of court administration body/ judicial secretariat.</p> <p>Costed action plans falling out of strategic plans for securing increase in</p>	<p>Mission, vision and values of the court developed and disseminated</p> <p>Technical assistance on organisational development and an organizational options plan established. This will also deal with court administration;</p> <p>Budget and financial capacity of the Registrar's Office developed and supported; and</p> <p>Establish Separate Judicial Secretariat</p> <p>ICT Needs Assessment and business process mapping undertaken to sustainable, coordinated and cost effective implementation on prioritised basis.</p> <p>Evaluation and monitoring of the strategic plan objectives.</p>	<p>Case Management Committee Special Committee</p>	

INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
	<p>judicial funding</p> <p><u>Targets (year 3)</u> Strategic Plan 50% implemented and new plan developed</p>			
<p><b>Output 3: Three District Courts deliver improved services for court users;</b></p> <p><u>Baseline:</u> Number of pending cases in the selected district courts to be established on completion of data entry of case database for each district court</p> <p><u>Indicators:</u> Number of cases in backlogs reduced; Disposition rate/Clearance rate; Time taken to determine cases reduced; Perceptions of court users on key indicators such as trust, service delivery, efficiency, corruption etc. Number of Court Managers recruited</p>	<p><u>Targets (year 1 and 2)</u> Case database established CMIS system installed Strategies for delay reduction in place Baseline established for time taken for case disposal by types of cases</p> <p><u>Targets (year 2-3)</u> Partnerships with other local justice service providers and development projects at pilot sites established</p> <p><u>Targets (year 3)</u></p> <ul style="list-style-type: none"> <li>15% reduction of cases in the district court backlog in selected District Courts from baseline</li> <li>15% reduction in the time taken to determine</li> </ul>	<p>Third pilot district selected (target: 3 months) Establishment of case-management committees (target: 6 months); User survey framework for monitoring and evaluation established (year 1); Recruitment of 3 Court Administrators with terms of reference (year 1);</p> <p>Case-management committees of district justice service providers established and supported;</p> <p>Court administrative processes assessed and streamlined, including provision of required ICT to support business processes;</p> <p>Minor civil works of existing structures and provision of furniture for the court to ensure access to court services for all court users particularly women, children and those with disabilities;</p> <p>Pilot Court Handbook developed printed and distributed. Court staff trained in the use of the Handbook;</p>	<p>UNDP Supreme Court Case Management Committee Special Committee District Courts</p>	<p>US\$ 767,225</p>



INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p><b>Output 4: Training capacity on case management strengthened</b></p> <p>Baseline JATI's existing training curriculum for judges not specific to case management</p> <p>Indicators:</p>	<p>cases in selected District Courts from baseline</p> <ul style="list-style-type: none"> <li>Number of cases in backlogs reduced overall by 20% in selected District Courts from baseline (Total Reduction 20% over 3 years)</li> <li>Time taken to determine cases reduced overall by 20% in selected District Courts from baseline (Total Reduction 20% over 3 years)</li> <li>Perceptions of court users improve on key indicators such as trust, service delivery, efficiency, corruption etc.</li> </ul> <p><u>Targets (year 1)</u> New curriculum or amendments to current curriculum in case management, gender and human rights</p> <p>Trainers trained in new curriculum;</p>	<p>Perceptions of court users monitored at pilot courts every 6 months. Results feedback to Chief Justice and Steering Committee for case management; and</p> <p>Partnerships to support awareness of legal rights, diversion, legal aid and improve the administration of justice at pilot locations.</p>	<p>UNDP Supreme Court JATI</p>	<p>US\$ 326,900</p>

INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p>New curriculum or amendments to current curriculum in case management, gender and human rights;</p> <p>Trainers trained in new curriculum;</p> <p>Training curriculum on case-management approved and being used by JATI;</p>	<p>Trainings for key stakeholders of pilot districts (target year 1/2);</p> <p><u>Targets (year 2)</u> Training curriculum on case-management approved and being used by JATI (Target year 2)</p> <p><u>Targets (year 3)</u> Each batch of Judges and Court staff graduate from JATI with a better understanding on case management</p> <p>Nationally Judges, clerks and bar have a better understanding of case-management principles.</p>	<p>Training of Trainers who will conduct case-management trainings</p> <p>Training for court staff;</p> <p>Training curriculum development assistance and trainings at JATI and Pilot sites;</p> <p>Basic ICT training.</p> <p>Pre and post-test surveys to assess understanding of case management</p>		

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## VII. RISK AND MITIGATION

Development projects working in the formal judiciary are relatively high risk. Given the entrenched vested interests, complex, ingrained regulations and procedures, the formal Judiciary is an institution which is highly resistant to change. For example, one of the major root causes of backlogs is related to the practice of lawyers driving the pace and direction of cases. In this regard, gradual shifts towards a more active courtroom leadership culture will be difficult to introduce. As such, the progress of the project will need to be closely monitored by the Chief Justice with the assistance of UNDP. National ownership by the Supreme Court and Case Management Committee's will be critical to a successful project.

The lessons learned report of the World Bank Justice Project (May 14, 2010) is an example of how projects in this sector can go badly wrong. According to the project evaluation a number of factors contributed to the project failing. For example, there was a lack of technical justice sector reform expertise within the project to drive the reform process. Also it put more emphasis on the Executive, thereby impeding ownership of the judiciary, who will now lead many judicial reforms given their separation. There were also weaknesses of monitoring, supervision and project management.

Despite these formidable risks to project success, there are a number of important factors which underline that the time is now more favourable to launch a new effort to strengthen the Judiciary. Structural changes have taken place. Strengthened judicial independence presents an opportunity for the Judiciary to drive the process. Dedicated champions for reform also exist, both at the political and institutional level.

The judiciary, through the Chief Justice, has recently demonstrated commitment by taking a number of initiatives of its own accord to drive change. For example, in February 2010, the then Chief Justice of the Supreme Court of Bangladesh established a Special Committee. The Committee is tasked, amongst others, with developing and implementing reforms to improve the efficiency and effectiveness of the Supreme Court. Although the tenure of the Chief Justice is traditionally temporary, the Special Committee is a first-of-its-kind and has been designed to carry over the institutional memory that will drive the reform process; and thus provides a basis for sustainable implementation of the project.

UNDP implements access to justice projects in more than 70 countries across the globe. UNDP has the requisite expertise and has at its disposal a pool of experienced justice sector experts to support the reform process. It also, has a sound working relationship with the relevant government institutions and the judiciary. In addition, to this there is a need for parallel demand for justice reform from other actors such as Bar Council, Bar Associations, civil society organisations to push the agenda for reform. The UNDP also has a number of other justice projects that are interdependent such as; the Access to Justice project which promotes access to justice through engaging the Law Ministry, bar associations, legal aid organizations and universities; the Village Courts project, and the Human Rights Commission project. The "Justice Sector Strategic Dialogue" project has been specifically designed to be the adhesive pulling together the various justice sector reform projects. This will add strategic value by leveraging and facilitating the cooperation of various justice sector projects of both UNDP and other donors that ultimately affect administration of justice. These projects, along with interventions with the Bangladesh Police (Police Reform Programme) and prisons projects<sup>16</sup>, represent a good base for institutional reform in the justice sector and interdependence in that process.

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<sup>16</sup> In 2011, GTZ were implementing a successful project with the Prison Service.

This project also has sustainability risks in terms of the maintenance and proper use of ICT. In the context of Bangladesh, this will take a long time to evolve. Currently most of the recordkeeping is manual and there are hundreds of thousands of files which would require entry into the proposed system. There is a great need for change in the work culture for making case-flow management a success. While Judges support case management and the use of ICT and some of the Judges are well-versed with it; most are not. Secretaries of judges will also require training to effectively manage schedules. There also has a risk of approval of the project and timely implementation of the activities at the initial stage of the project.

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## **VIII. IMPLEMENTATION**

The Supreme Court of Bangladesh has successfully implemented an IP initiative entitled "Support to Supreme Court for a period of one year in 2010-11 and archived the desired objectives. In successful implementation of that programme, UNDP have been able to assess positively that the Supreme Court has exhibited adequate capacity to deliver the JUST programme. The Supreme Court, the implementing partner, will implement the project and ensure efficient and transparent administration and management of project fund. The Supreme Court will have overall responsibility for delivering project outputs and for management of project resources through the National Project Director. The Director will be supported in the management of project resources by a Project Steering Committee and Project Implementation Committee. A project team managed by a Chief Technical Advisor will be established to implement the project.

UNDP will support the Supreme Court with: development partner coordination, joint administration of the resources allocated by development partners, procurement, recruitment and the mobilisation of additional resources and project assurance. UNDP will provide service delivery under the arrangement of Direct Country Office Support to a National Implementation (NIM) modality as agreed in the annual work plans. In consultation with the National Project Director, UNDP may call upon other specialised UN agencies for additional support if and when necessary. This project will be managed in a manner consistent with the NEX manual or any future agreement between UNDP and the Government of Bangladesh. The steering committee may explore how this project can work with other UNDP justice related project.

### **Project Steering Committee**

A Project Steering Committee will be the highest level policy and oversight body for the project. It will provide policy guidance, review progress against targeted results, and ensure coordination with other national initiatives and development projects. The Committee will meet bi-annually and will receive reports from the National Project Director. The Advisory Team shall act as Secretariat. In the PSC committee significant number of female members should be proffered for inclusion. The main responsibilities of the Steering Committee are:

- Review reports from the National Project Director and provide policy direction;
- Review and endorse annual work plan including budget;
- Provide oversight and review progress against targeted results;
- Review project evaluation/review findings and recommendations;
- Recommend actions to reflect new or changed policy directions in national planning documents;



- Consider management “exceptions” that go above the designated authority of the National Project Director; and
- Support any required coordination with other government and non-government bodies.

The steering committee will be formed by the Supreme Court have the following membership:

- Chief Justice or nominee (chair);
- National Project Director (Ex Officio, Member Secretary);
- Members of the Supreme Court Special Committee;
- Representatives (at Additional Secretary level but not below the rank of joint secretary or Joint Chief) of Law and Justice Division, Ministry of Law , Justice and Parliamentary Affairs, Ministry of Home Affairs, Ministry of Women and Children Affairs, the Ministry of Finance, including ERD, IMED and Planning Commission;
- UNDP Country Director or his/her nominee;
- Donor representative who may be rotated annually as agreed by the donors (all donors may attend Project Steering Committee meetings as observers); and
- Bar Council Chairman (Attorney General) and Vice Chairman
- President Supreme Court Bar Association.

### **National Project Director**

The National Project Director is a critical position which will impact on the success of the project. The post will be held a judge (not below the district judge level) nominated by the Chief Justice. The Director is responsible for overall strategic management of the Project including substantive financial and administrative matters. If the NPD is absent, then the Chief Justice shall, subject to the NEX Manual, appoint another official of the Supreme Court to fulfil the functions of NPD.

The NPD assumes strategic responsibility of achievement of the objectives set out in the Project Document and given their dual role with other judiciary functions will delegate day-to-day matters related to achievement of annual work-plans to the Chief Technical Adviser. The key responsibilities include:

- Assuming overall responsibility for the successful execution and implementation of the project, and accountability to the Supreme Court and UNDP for the proper and effective use of project resources;
- Overall responsibility for use of project bank accounts and petty cash account as per NEX Manual;
- Ensuring that prior obligations and prerequisites of the Court and Government to the project are met;
- Ensuring timely recruitment and supervision of the project personnel;
- Ensuring timely mobilization of project approvals such as the TAPP;
- Identifying and obtaining any support and advice required for the management, planning and control of the project;
- Ensuring timely submission of required reports, including Inception Reports, work plans, Progress Reports, Financial Reports, Annual Project Report and technical reports of consultants, study tor/ training reports;
- Participating in monitoring, review and evaluation of the project and all other policy related meetings;

- Delivering project outputs and deliverables as outlined in the project document;
- Establishing effective working relationships with UNDP and other implementing agencies, and with other officials and entities with which the project must interact; and
- Coordinating and maintaining liaison with other development partners whose support is critical to achieving outcomes of the project intervention.

### **Technical Advisory Team**

The technical advisory team will be led by an international Chief Technical Advisor (CTA) who will be a senior professional contracted through UNDP. The Team shall include a variety of technical experts and an operations Unit. The aim is to have a project team with highly qualified professional staff who are able to provide substantial policy advice to the Supreme Court and pilot locations. The team will also hire short-term consultants to provide specialised short-term technical services. The Team is responsible for day-to-day implementation, in line with the project document and agreed work plan, and quality control for all project products. The NPD is responsible for overall management of the Team.

The Supreme Court has agreed to provide an office space at the Supreme Court premises for the project and the technical advisory team will be located at the said office to minimise travel and build ownership. The Supreme Court, through the NPD or others, will participate in the recruitment processes, if available. The staffing quota and monthly allocations for each position in the Advisory Team and their terms of reference are included at Annex I. The terms of reference will be updated as required.

### **Chief Technical Advisor**

The Chief Technical Advisor will be an international professional who will lead the Advisory Team reporting directly to the Country Director as per UNDP rule and guidelines. The Advisor will work closely with and support the NPD who assumes overall responsibility for the achievement of project objectives. The Adviser's prime responsibility is to ensure that the project provides the right advice to the Supreme Court and produces the results specified in the annual work-plan, to the required standard of quality and within the specified constraints of time and cost. The main responsibilities of the CTA are:

- Provide technical advice to the Supreme Court and various Committees in line with international best practice and lessons learned;
- Ensure, in consultation with NPD, technical soundness of project activities and achievement of project outputs and outcomes;
- Support the NPD on policy related issues;
- Assist NPD by leading day to day management of the project, including in administrative and financial affairs;
- Liaison with concerned Government agencies and counterparts;
- Formulate, operationalize and maintain monitoring and evaluation process of the project; and
- Prepare various required reports including Progress reports, Financial Reports, Annual Progress Report, etc. and organize timely completion of technical reports.

## **Project Implementation Committee**

A Project Implementation Committee will support high quality implementation of the project. The difference between the Steering Committee and the Implementation Committee is that the latter is focused on ensuring provision of critical support services from various stakeholders and development partners for effective implementation of the project while the former deals with strategic policy issues. The NPD will chair the Implementation Committee. Other members will include UNDP (Programme and Operations) staff and the Chief Technical Adviser. The Committee will also include representatives from the ERD, IMED and Planning Commission and relevant other stakeholder representatives. The Committee will meet once every four months and the main implementation issues discussed will be minuted and disseminated by the NPD. During the formation of the committee significant numbers of female members should be preferred for inclusion. The Committee is responsible for:

- Reviewing and monitoring the progress of annual work plan and budget;
- Reviewing quarterly work plans and quarterly expenditure estimates;
- Reviewing quarterly procurement and human resource plans and confirming the procedures and progress;
- Supporting compliance with regulations and rules;
- Supporting the project to deliver its targeted outputs and objectives; and
- Facilitating project reviews and evaluations to assist project assurance for performance improvement, accountability and learning.

## **Case management committee and procedural review committee**

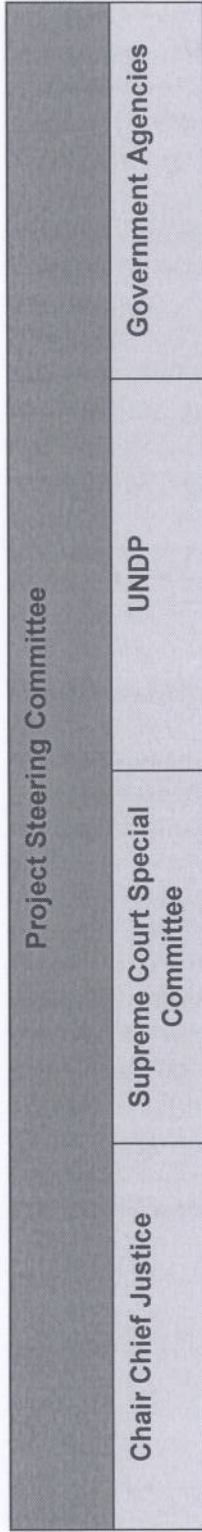
The Supreme Court will establish case management committees at the Supreme Court and selected district courts. The terms of reference and composition of these Committees will be finalised by the Supreme Court. At the District level these will probably have similar membership to the District Legal Aid Committee (police, magistrates, local legal aid NGOs, prison officials, and bar association). During formation of the committee at least 40% should be represented by the female members.

Committees will collaboratively identify expectations and standards in respect of case management and make recommendations to the Chief Justice. These recommendations may include suggestions for change embodied in rules, practice directions, guidelines or a combination of. The Committees will monitor a number of indicators of case-flow and report back to the Supreme Court case-management committee. The purpose of key indicators is to call attention to possible problems so further analysis can take place. Selection of key indicators should be kept to a manageable number but could include:

- The number of cases at the District Court by type;
- The number of appearances per case;
- If possible, the intended purpose of each appearance and whether an appearance achieved its intended purpose;
- Tracking of next available court dates.

A procedural reform committee may also be established, which will examine the need for procedural reform on processes and administration. The primary aim of the Committee will be to recommend where relevant implementing procedural changes need to occur.





UNDP Quality Assurance

National Project Director

Project Implementation Committee

Chief Technical Adviser

**Technical Advisory Team:**

- Programme officer: judiciary
- Field Manager: Pilot Courts
  - National ICT Expert
- National Expert: Strategic Planning
- National Expert: Training
- Strategic Planning Officer

**Operations:**

- Administration Manager
- Admin & Finance Officer
  - Project Officer
  - M & E Officer
- Communication Officer
- Office Secretary
- Driver cum messenger




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## IX. MONITORING FRAMEWORK AND EVALUATION

Monitoring and evaluation will be key component of the project focussing on impact and aid effectiveness. Support will be given to the Supreme Court to develop its monitoring and evaluation skills.

The Technical Advisory Team has the primary responsibility for monitoring and evaluation. The team will prepare periodic reporting and support all monitoring and evaluation activities. The focal person will be the Monitoring and Evaluation Officer, who will ensure that monitoring and evaluation is professionally conducted and clearly linked to the Project Document outputs and targets. The Officer will also be responsible to consult with the Supreme Court and UNDP on the drafting and finalisation of all major monitoring and evaluation products. The Officer will also monitor the results and lessons learned of study tours and international/domestic travel to ensure value for money and knowledge sharing.

The Advisory Team will update risk logs on a quarterly basis. Periodic analysis of risks and identification of risk mitigation is a critical exercise. The Advisory Team will update and disseminate lessons learned, including assisting UNDP with global lessons learned exercises. The following monitoring documents will be produced:

- Quarterly Reports;
  - Annual Reports;
  - Programme Completion Report;
  - On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below:
    - An Issue Log shall be activated in Atlas and updated by the CTA to facilitate tracking and resolution of potential problems or requests for change
    - Based on the initial risk analysis submitted (see annex1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
    - Based on the above information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the CTA to the project implementation committee through Project Assurance, using standard reporting format available in the Executive Snapshot.
    - A project lessons learned log shall be activated and regularly updated to ensure ongoing learning and adaptation within the organisation, and to facilitate the preparation of Lessons-Learned Report at the end of the project
    - A Monitoring Schedule Plan shall be activated in Atlas shall be activated in Atlas and updated to track key management actions/events.
  - Public perception surveys: A baseline access to justice survey will be conducted to ascertain knowledge of and attitudes towards the judiciary. The survey will be repeated at the end of the project to measure the contribution made by the Supreme Court with the support of the Project to improving access to justice;
  - Small scale and regular court users satisfaction survey and justice sector stakeholders (views of judges/lawyers/police investigators/court staff) surveys in selected districts will be held regularly such as every 6-8 months and information will be passed based to case-management committee at the Supreme Court;
  - Reports and analysis on case management database and court users survey for the Chief Justice, Supreme Court case management committee and UNDP;
  - Analysis of official data on the case-load;
  - A midterm evaluation will be conducted at the end of 18<sup>th</sup> months of the project implementation.
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- Terminal Report: Six months before the end of the project, the NPD will prepare a draft terminal report of the project. The draft will be discussed in the terminal PIC meeting. The Report will advise whether the conditions exist for the conclusion of the project or whether a second phase is required. The terminal report will be finalised and submitted to UNDP. UNDP will circulate the report to all the parties concerned and decide whether to continue the project or any component thereof.
- Annual Project Review: Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year this will be a final assessment. This review is driven by the project implementation committee and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes

## X. Audits:

Audit is an integral part of sound project management addressing both financial and administrative/management aspects in the overall project implementation to ensure accountability and transparency. All UNDP supported nationally implemented project/programmes are subject to audit at any point in time. The audit is normally carried out annually by the Foreign Aided Projects Audit Directorate (FAPAD). However, UNDP may commission audit by its own auditors or appoint other auditors in consultation with ERD.

## Quality Management for Project Activity Results

Quality management for Output level results will be recorded using the following format and information from the Results Framework.

<b>Activity Result 1 (Atlas Activity ID)</b>	<i>Short title to be used for Atlas Activity ID (Output in Project Document and Annual Workplan)</i>	Start Date: End Date:
<b>Purpose</b>	<i>What is the purpose of the activity?</i>	
<b>Description</b>	<i>Planned actions to produce the activity result.</i>	
<b>Quality Criteria</b> <i>how/with what indicators the quality of the activity result will be measured?</i>	<b>Quality Method</b> <i>Means of verification. What method will be used to determine if quality criteria has been met?</i>	<b>Date of Assessment</b> <i>When will the assessment of quality be performed?</i>

## **Future Plan of Action:**

The success of the project depends on the effective implementation of the programme and necessary cooperation from all the stakeholders concerned. As implementing partner the Supreme Court should have strong role in changing the existing business process and formulate policy strategy to improve the justice system. The ownership of the programme is also critical to replicate the development model in all the lower judiciary for truly ensuring the justice for the people in Bangladesh.

Based on the success and recommendation from the midterm review the project could be extended further and additional funding will be considered based on performance and development results and institutional efficiencies that have been achieved.

## **Legal Context**

This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together a Project Document as referred to in the SBAA or other appropriate governing agreement and all CPAP provisions apply to this document. Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP's property in the implementing partner's custody, rests with the implementing partner. The implementing partner shall:

- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- b) assume all risks and liabilities related to the implementing partner's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement. The implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document." UNDP will act as a Responsible Party to implement activities as identified in the project document and relevant budget lines. This role is in line with the Letter of Agreement (LOA) on such services signed by UNDP and the Government on 5 December 1999 as well as the Country Programme Action Plan.

The following types of revision may be made to this Project Document with the signature of the UNDP Country Director only; provided that she/he is assured that the other signatories to the Project Document have no objection to the proposed changes:

- a) Revision in, or addition to, any of the annexes to the Project Document
- b) Revisions, which do not involve significant changes in the immediate objectives, outputs or activities of the project, but are caused by the rearrangement of the inputs already agreed to or by cost increase due to inflation;



- c) Mandatory annual revisions which re-phase the delivery of agreed project inputs or increased expert or other costs due to inflation or take into account agency expenditure flexibility; and

The Project Document is, for all purposes related to implementation, the legal document by which UNDP and GoB will be bound for achieving results. The GoB may prepare for its own internal planning and approval purposes a matching document such as Technical Project Proposal (TPP). All efforts must be made to ensure that the relevant provisions of the concerned TPP prepared for the project are identical to those in the signed Project Document. However, in the event of any discrepancies between this Project Document and a related GoB document (including, but not limited to, discrepancies in terms of financial provisions) the provisions in the signed Project Document are to be upheld.

### **Government Contributions**

The Government of Bangladesh will have contribution for covering CD & VAT (up to US \$150,000) for purchase of project vehicle. The Supreme Court budget will also, in time, need to be allocated to ensure sustainability of project activities and though life costs, especially with regard to ICT. The Government will also indirectly provide human resources in terms of staff time. The Supreme Court will provide staff to the project team. The details of which are included in the annex.

